

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

TAKYDRA WEST #1255337)
Chillicothe Correctional Center 8D-148)
3151 Litton Rd.)
Chillicothe, MO 64601)
Plaintiff)
v.) Case No. 18-06110-CV-SJ-HFS
)
STATE OF MISSOURI) JURY TRIAL DEMANDED
[SERVE:)
Secretary of State)
600 West Main St.)
Jefferson City, MO 65101])
)
ANNE L. PRECYTHE)
Director, Missouri Dept. of Corrections)
[SERVE AT:)
2729 Plaza Drive)
P.O. Box 236)
Jefferson City, MO 65102)
)
CHRIS MCBEE)
Warden, Chillicothe Correctional Center)
[SERVE AT:)
3151 Litton Rd.)
Chillicothe, MO 64601])
)
CORIZON, L.L.C.,)
a Missouri Limited Liability Company)
[SERVE: C.T. Corporation System)
Registered Agent)
120 South Central Avenue)
Ste. 400)
St. Louis, Mo. 63105])
)
CORIZON HEALTH, INC.,)
[SERVE: C.T. Corporation System)
Registered Agent)
120 South Central Avenue)
Ste. 400)
St. Louis, Mo. 63105])

BRAD ZACHARY)
CO I)
[SERVE AT:)
 Chillicothe Correctional Center)
 3151 Litton Rd)
 Chillicothe, MO 64601])

M. KING)
CO I)
[SERVE AT:)
 Chillicothe Correctional Center)
 3151 Litton Rd)
 Chillicothe, MO 64601])

MS. SHARP)
Nurse)
[SERVE AT:)
 Chillicothe Correctional Center)
 3151 Litton Rd)
 Chillicothe, MO 64601])

MS. HAMILTON)
Nurse)
[SERVE AT:)
 Chillicothe Correctional Center)
 3151 Litton Rd)
 Chillicothe, MO 64601])

Defendants)

FIRST AMENDED COMPLAINT

COMES NOW Takydra West, by and through the undersigned and court-appointed counsel, and for her First Amended Complaint against defendants states and alleges as follows:

Demand for Jury Trial

Plaintiff demands a jury trial on all issues raised herein.

Preliminary Statements

1. This is an action for damages brought pursuant to State of Missouri common law principles and precedent to redress the deprivation, under color of state law, of rights, privileges and immunities secured to plaintiff by provisions of the Eighth and Fourth Amendments of the United States Constitution.

2. Plaintiff alleges that while confined to the Chillicothe Correctional Center, in the care, custody and control of the Missouri Department of Corrections, she was injured through the negligence of agents, servants, and employees of the governmental and corporate defendants. Furthermore, she was denied proper care as an inmate as well as adequate and competent medical care for evaluation and treatment of serious medical conditions. As a direct and proximate result of defendants' disregard of (a) ordinary care and medical care for serious medical conditions and accepted correctional medical practices as well as (b) the highest degree of care in the operation of a motor vehicle, which were occasioned by defendants under color of state law, she was injured and damaged in the ways described hereinbelow.

3. Plaintiff's injuries were caused by defendants' negligence and defendants' either compliance with, or ignoring of, departmental and institutional policies, procedures, customs, practices and actions that not only contemplated deliberate and systemic disregard for known, obvious and excessive risk to inmate health and safety, but are also very likely to culminate in a de facto denial of access to adequate medical care and treatment for the

inmate population (and specifically including plaintiff). As such, said policies, procedures, customs, practices and actions are shocking to the conscience and evince the kind of arbitrariness and abuse of power that operates to deprive plaintiff and other similarly situated inmates of their constitutional rights.

4. Said policies, procedures, customs, practices and actions contemplate a continuing, persistent and widespread pattern of official misconduct that comprises the moving force behind plaintiff's injuries and evidences deliberate indifference to the health and safety of inmates confined to the Chillicothe Correctional Center in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the laws of the State of Missouri, giving rise to both federal and state law claims.

5. Furthermore, to the extent that defendants are involved in the provision of medical care to plaintiff and others, they are obligated by state law as well as federal law to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of defendants' profession. Under all circumstances, such defendants must avoid showing deliberate indifference to serious medical conditions that have caused or have the potential to cause serious harm to the inmate. In plaintiff's situation, defendants knew of, and disregarded, an excessive risk to plaintiff's health and/or safety. The risk of harm was so obvious that a reasonable prison official would have noticed it.

Jurisdiction and Venue

6. Since plaintiff presents Federal claims arising under the Eighth Amendment to the United States Constitution, as applied to the States by the Fourteenth Amendment, and 42 U.S.C. §1983, jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331 and 1333. Pursuant to 28 U.S.C. §1337, this Court also has jurisdiction to hear plaintiff's supplemental state law claims because all claims made herein are so related to each other that they form part of the same case or controversy under Article III of the United States Constitution.

7. This Court has jurisdiction over defendants because the unlawful acts alleged in this Complaint were committed in Chillicothe, Livingston County, Missouri, which lies within the Western District of Missouri.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§105(b) and 1391 because the events or omissions giving rise to plaintiff's claims occurred in Chillicothe, Livingston County, Missouri, which lies within the St. Joseph Division of the Western District of Missouri, and because, on information and belief, some of the defendants reside within the St. Joseph Division of the Western District of Missouri.

Parties

9. Plaintiff TAKYDRA WEST, is a citizen of the United States and was, at all relevant times, an inmate in the custody of the Missouri Department of Corrections confined to the Chillicothe Correctional Center in Chillicothe,

Livingston County, Missouri ("CCC"). Plaintiff was born on September 24, 1994 and is 24 years old.

10. Defendant STATE OF MISSOURI is named as a defendant in this lawsuit based upon there being actions and omissions by state employees and particularly one state employee (defendant Zachary) who operated a state vehicle on state property and caused plaintiff (as his passenger) to come into harmful contact with a gate/fencing which --- together with the vehicle at issue and the roadway there --- constituted a dangerous condition on that state property. Under these circumstances, sovereign immunity is waived pursuant to V.A.M.S. §537.600, to wit:

"...the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

- (1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;
- (2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, which was designed and constructed prior to September 12, 1977, the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed.

11. Defendant ANNE L. PRECYTHE, is, and at all times herein mentioned was, the Director of the Missouri Department of Corrections. As such, she was responsible for oversight of the conditions at CCC and, at all times herein mentioned, directed the operations of the CCC within the jurisdiction of this Court. She is sued in her official and individual capacities.

12. Defendant CHRIS MCBEE, is the current Warden of Chillicothe Correctional Center (“CCC”), and is, and at all times herein mentioned was, the acting Warden of the CCC. Along with defendant Precythe, he was responsible for oversight of the conditions at CCC and, at all times herein mentioned, directed the operations of the CCC within the jurisdiction of this Court. He is sued in his official and individual capacities.

13. Defendants Precythe and McBee and the remaining defendants acted in concert with each other regarding their responsibilities at CCC and with the Corizon defendants.

14. Defendant CORIZON, L.L.C., f/k/a Correctional Medical Services (“CMS”) and/or CORIZON HEALTH, INC., are a duly organized Missouri Limited Liability Company and a Delaware corporation, respectively. Both of those two defendants have the same registered agent for service of process: C T Corporation System, located at 120 South Central Avenue, Ste. 400, St. Louis, Mo. 63105. Corizon, L.L.C. maintains a corporate office located at 12647 Olive Blvd., St. Louis, Mo. 63141. Corizon Health, Inc. is believed to maintain a corporate office at 103 Powell Court, Brentwood, Tennessee. Upon information and belief, and at all relevant times contemplated herein, one or

both of the Corizon entities were contracted by the Missouri Department of Corrections (“MDOC Contract”) to provide comprehensive health care services and chronic care for inmates confined to MDOC correctional institutions, including the Chillicothe Correctional Center, where plaintiff was confined and where the acts and omissions that gave rise to her claims occurred. As such, at all relevant times contemplated herein, and while acting under the color of state law, one or both of the Corizon defendants not only materially participated in the promulgation of official policies, but they were also contractually obligated to train, supervise, direct, and control all institutional medical and nursing personnel. One or both of the Corizon defendants are liable under the Missouri common law and also under the federal laws mentioned herein.

15. Defendants BRAD ZACHARY and M. JONES were both employees of the State of Missouri, working at the CCC at all times relevant hereto. Their actions and omissions were within the course and scope of their employment. They are both sued in their individual and official capacities.

16. Defendants SHARP and HAMILTON were both employees of one or both of the Corizon defendants and were working at the CCC to provide healthcare to inmates at all times relevant hereto. Their actions and omissions were within the course and scope of the aforementioned employment. They are both sued in their individual and official capacities.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. Plaintiff is aware of the provisions of the Prison Litigation Reform Act of 1995 (“PLRA”) which mandates early judicial screening of prisoner complaints and requires prisoners to exhaust prison grievance procedures before filing suit. 42 U.S.C. § 1997e(a).

18. Plaintiff in good faith states that she believes such administrative remedies as are available have been exhausted. 42 U.S.C. § 1997e(a). Recognizing that a § 1983 claim is exhausted for purposes of the PLRA “when an inmate pursues the prison grievance process to its final stage and receives an adverse decision on the merits.” *Burns v. Eaton*, 752 F.3d 1136, 1141 (8th Cir. 2014) (citation omitted), plaintiff asserts in good faith that she believes she has complied with the applicable provisions of the cited federal statute.

General Allegations Applicable To All Claims

19. On or about September 11, 2017, plaintiff had a nursing appointment with defendant RN Sharp. At that time, plaintiff explained that she was suffering from numbness in her feet.

20. Later, still on or about September 11, 2017, plaintiff was outside sitting down and was unable to stand up. A medical emergency was called by facility staff.

21. Defendant Zachary arrived along with defendant King and nurses (defendants) Sharp and Hamilton.

22. Nurses Sharp and Hamilton were on foot because the medical vehicle was out of order.

23. Plaintiff explained her condition and situation to both defendant nurses. The defendant nurses tried to force plaintiff to walk, but plaintiff could not stand up. Consideration was given to the use of a wheelchair, but that was apparently ruled out.

24. The nurses asked the custody staff (defendants Zachary and King) to transport plaintiff to the medical part of the facility, using their vehicle which was called a "recreational mule".

25. When the recreational mule arrived, defendants Sharp and Hamilton struggled to lift plaintiff up. Defendants Sharp and Hamilton told defendants Zachary and King that the medical department was understaffed so they needed the custody staff (defendants Zachary & King) to help lift plaintiff up.

26. All of the individual defendants assisted in the lifting process and in placing plaintiff sideways and unsecured in the back of the recreational mule, thus and thereby leaving her legs hanging outside of the vehicle.

27. The actions and omissions of all defendants directly caused or directly contributed to cause plaintiff to be injured and to suffer damages as set forth herein. Defendant Zachary drove the vehicle toward the medical unit in a very fast manner. When a narrow gate was encountered, defendant Zachary turned the corner in a fast fashion, causing plaintiff's leg to come into contact with the gate and causing fractures to plaintiff's ankle and fibula.

Plaintiff has endured resultant pain and suffering as a result of these injuries. She has lost sleep. These injuries are, or may be, severe, permanent and progressive in nature. It is believed that there are, or will be, outstanding past, present, and future claims for medical expenses as a result of these injuries.

28. There is vicarious liability in this case for the governmental and corporate and supervisory and employing defendants based upon the actions and omissions of individual defendants, all acting within the course and scope of their employment and/or agency.

29. Furthermore, defendants acted in concert with one another and participated in a joint enterprise as to what they were trying to do with plaintiff on the day in question, all as follows:

- (1) an express or implied agreement;
- (2) a common purpose;
- (3) a community of pecuniary interest in that common purpose; and
- (4) an equal voice, giving an equal right of control in the direction of the enterprise

**COUNT I --- MISSOURI COMMON LAW NEGLIGENCE CLAIM
AGAINST ALL DEFENDANTS**

30. Defendants had a duty to exercise reasonable care and the highest degree of care in the handling and treatment of plaintiff, including, but not limited to, the following things:

- (a) Lifting her up,
- (b) Placing her safely in a secured fashion within the recreational mule, and
- (c) Operating the recreational mule in a safe manner.

31. On the day described hereinabove, defendants failed to exercise ordinary care and also the highest degree of care toward plaintiff in all of the following respects:

- (a) failure to use the highest degree of care in the operation of the aforementioned recreational mule at the time it was driven through a narrow gate/fence opening with the resultant impact upon plaintiff's body;
- (b) failure to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of defendants' profession in terms of placing plaintiff into the recreational mule as indicated above;
- (c) failing to provide an appropriate vehicle for transporting plaintiff and failing to get her to the medical unit safely,
- (d) failing to place and/or secure plaintiff within a safe position within the recreational mule for transportation to the medical unit,
- (e) failing to make certain that plaintiff could be safely transported to the medical unit;
- (f) failing to monitor and manage the transfer of plaintiff to the medical unit;
- (g) failing to accompany plaintiff on the trip to the medical unit so as to make certain that plaintiff would be safely transported there;
- (h) failing to drive the recreational mule in such a way that there would be no collision with a gate or fence or any other obstruction,
- (i) failing to keep a careful lookout,
- (j) failing to warn,
- (k) failing to stop,

- (l) failing to swerve, and
- (m) other failures to be revealed during discovery in this case.

32. On the aforementioned date at CCC, the various acts of negligence set out above occurred.

33. The actions and omissions of defendants directly caused, or directly contributed to cause, the aforementioned injuries and damages to plaintiff.

WHEREFORE, plaintiff prays that the Court enter a joint and several judgment on Count I in her favor against defendants for fair and reasonable compensatory damages and for her costs incurred herein and also for such other relief as the Court deems just and proper.

COUNT II: STATE LAW NEGLIGENCE CLAIM AGAINST CORIZON DEFENDANTS AND NURSES SHARP AND HAMILTON (STATE LAW)

34. Plaintiff hereby adopts, re-alleges, and incorporates by reference the allegations contained in paragraphs 1 through 33, above.

35. The Corizon defendants and defendants Sharp and Hamilton all had a duty to:

- (a) ensure that plaintiff was provided with a level of medical care sufficient to meet her routine and emergency needs;
- (b) afford plaintiff access to qualified medical personnel for evaluation and treatment;
- (c) provide plaintiff the treatment she required;

- (d) exercise reasonable and ordinary care, skill, and diligence in providing medical care to plaintiff as set forth herein; and
- (e) Use that degree of skill and learning ordinarily used under the same or similar circumstances by the members of defendants' profession.

36. The Corizon defendants and defendants Sharp and Hamilton failed to use such care as reasonably prudent and careful health care providers would have under the same or similar circumstances and that failure to use such reasonable care directly caused or directly contributed to cause the damages claimed by plaintiff. The failures include everything outlined hereinabove and hereinbelow within this First Amended Complaint.

37. But for the deviation from generally accepted and recognized correctional medical practices by the Corizon defendants and defendants Sharp and Hamilton, plaintiff would not have been injured.

38. The actions and omissions of the Corizon defendants and defendants Sharp and Hamilton described herein and the various policies, procedures, customs, practices, and actions likewise described herein directly caused, or directly contributed to cause, the aforementioned injuries and damages to plaintiff.

WHEREFORE, plaintiff prays that the Court enter a joint and several judgment on Count II in her favor, and against the Corizon defendants and defendants Sharp and Hamilton for fair and reasonable compensatory damages and for her costs incurred herein and also for such other relief as the Court deems just and proper.

**COUNT III --- DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED
AND FAILURE TO PROVIDE MEDICAL CARE AND TREATMENT**
42 U.S.C. § 1983

**Eighth and Fourteenth Amendments to the Constitution of the
United States**

39. Plaintiff hereby adopts, re-alleges, and incorporates by reference the allegations contained in paragraphs 1 through 38, above.

40. Defendants' actions and omissions created a situation of deliberate indifference to serious medical needs of plaintiff and failed to provide her with appropriate medical care and treatment.

41. The customs and practices observed by Corizon personnel assigned to the CCC were tacitly approved by the Corizon defendant(s) and in fact all defendants. Said practices and customs were so persistent and widespread so as to constitute official policies and actions.

42. Collectively, the official institutional and corporate policies, procedures, customs, practices observed by Corizon personnel assigned to CCC and similarly the official institutional and corporate policies, procedures, customs, practices observed by the State of Missouri personnel assigned to CCC as well as the actions and omissions of all defendants not only posed a substantial risk of serious harm to plaintiff's health and safety and rose to the level of deliberate indifference, but they also operated to deprive plaintiff of her right to be free from cruel and unusual punishment by:

- (a) failure to use the highest degree of care in the operation of the aforementioned recreational mule at the time it was driven through a narrow gate/fence opening with the resultant impact upon plaintiff's body;

- (b) failure to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of defendants' profession in terms of placing plaintiff into the recreational mule as indicated above;
- (c) failing to provide an appropriate vehicle for transporting plaintiff and failing to get her to the medical unit safely,
- (d) failing to place and/or secure plaintiff within a safe position within the recreational mule for transportation to the medical unit,
- (e) failing to make certain that plaintiff could be safely transported to the medical unit;
- (f) failing to monitor and manage the transfer of plaintiff to the medical unit;
- (g) failing to accompany plaintiff on the trip to the medical unit so as to make certain that plaintiff would be safely transported there;
- (h) failing to drive the recreational mule in such a way that there would be no collision with a gate or fence or any other obstruction,
- (i) failing to keep a careful lookout,
- (j) failing to warn,
- (k) failing to stop,
- (l) failing to swerve, and
- (m) other failures to be revealed during discovery in this case.

43. Said actions and omissions together with said institutional and corporate policies, procedures, customs, practices and official actions subjected plaintiff to the unnecessary and wanton infliction of pain in contravention of

the Eighth Amendment and demonstrate a deliberate indifference to his serious medical needs by occasioning and/or tacitly authorizing systemic deficiencies outlined herein.

44. All of the systemic deficiencies outlined herein are collectively the product of official policies, procedures, customs, practices, and actions that were promulgated, occasioned, and/or tacitly authorized by the corporate and governmental defendants – and all of them caused or materially contributed to the systemic and unconstitutional deliberate indifference to plaintiff's serious medical needs and the unnecessary and wanton infliction of pain that she experienced.

45. Defendants' official policies, procedures, customs, practices, and actions, which comprise the moving force behind plaintiff's injuries, operated to deprive plaintiff of the right to adequate and appropriate diagnosis and treatment of her serious medical conditions, and, but for the same, plaintiff would not have been deprived of rights secured by the Eighth and Fourteenth Amendments to the United States Constitution.

46. The actions and omissions of defendants described herein, and the various policies, procedures, customs, practices, and actions likewise described herein directly caused, or directly contributed to cause, the aforementioned injuries and damages to plaintiff.

47. Plaintiff is entitled to recover her reasonable attorney's fees, costs, and expenses from defendants as provided by 42 U.S.C. § 1988.

WHEREFORE, plaintiff prays that the Court enter a joint and several judgment on Count III in her favor against defendants for fair and reasonable compensatory damages and for her costs incurred herein, and for her reasonable attorney's fees and expenses, and also for such other relief as the Court deems just and proper.

COUNT IV: FAILURE TO TRAIN / INADEQUATE TRAINING

42 U.S.C. § 1983

Eighth and Fourteenth Amendments to the Constitution of the United States

48. Plaintiff hereby adopts, re-alleges, and incorporates by reference the allegations contained in paragraphs 1 through 47, above.

49. At all relevant times herein, the first five named defendants had the supervisory and management responsibilities to provide proper and adequate training to personnel employed by the State of Missouri at CCC and to personnel employed by the Corizon defendants.

50. The customs and practices observed by Corizon personnel assigned to the CCC and by State of Missouri personnel assigned to CCC were tacitly approved by the first five named defendants and were so persistent and widespread as to constitute official policies and actions.

51. The first five named defendants were vested with the duty to provide reasonable and adequate training to medical and correctional personnel assigned to the CCC to prevent said personnel from: a) being deliberately indifferent to the serious medical needs of inmates; b) delaying and/or denying inmate access to qualified health care personnel; and, c) failing

to provide inmates with adequate medical care and treatment. This duty extended to plaintiff as well as to all other inmates confined at CCC.

52. The first five named defendants failed to provide reasonable and adequate training for medical and correctional personnel assigned to CCC as mandated by Corizon and State of Missouri institutional and corporate policies and procedures. Said failures were so persistent and widespread that they constituted official policy and action.

53. These failures to provide such training not only resulted in the systemic deficiencies outlined hereinabove, but they also recklessly posed substantial risks of serious harm to the health and safety of plaintiff and all other inmates confined to CCC because they operated to deprive them of their Eighth Amendment right to be free from cruel and unusual punishment and the unnecessary and wanton infliction of pain. Said failures were the moving force behind the violation of plaintiff's constitutional rights.

54. But for the failure of the first five named defendants to provide reasonable and adequate training for medical and correctional personnel assigned to CCC, plaintiff's constitutional rights would not have been violated and she would not have been injured.

55. The actions and omissions of the first five named defendants described herein and the various policies, procedures, customs, practices, and actions likewise described herein directly caused, or directly contributed to cause, the aforementioned injuries and damages to plaintiff.

56. Plaintiff is entitled to recover her reasonable attorney's fees, costs, and expenses from defendants as provided by 42 U.S.C. § 1988.

WHEREFORE, plaintiff prays that the Court enter a joint and several judgment on Count IV in her favor against defendants for fair and reasonable compensatory damages and for her costs incurred herein, for her reasonable attorney's fees and expenses, and also for such other relief as the Court deems just and proper.

**COUNT V: FAILURE TO SUPERVISE, DIRECT, AND CONTROL /
INADEQUATE SUPERVISION, DIRECTION, AND CONTROL**

**42 U.S.C. § 1983 Eighth and Fourteenth Amendments to the Constitution
of the United States**

57. Plaintiff hereby adopts, re-alleges, and incorporates by reference the allegations contained in paragraphs 1 through 56, above.

58. At all relevant times herein, the first five named defendants not only held regional supervisory and management positions with the State of Missouri and the Corizon defendants, but were furthermore vested with final decision-making authority, and acted under the color of state law in supervising, directing and controlling the provision of medical and correctional services to inmates at CCC, including plaintiff.

59. The institutional policies and procedures that governed the provision of medical and correctional services by the first five named defendants were cooperatively promulgated and approved by those first five named defendants.

60. The first five named defendants failed to adequately supervise, direct, and control medical and correctional personnel assigned to CCC, and those failures were so persistent and widespread that they constituted official policy and action.

61. The failure of the first five named defendants to exercise such supervision, direction, and control not only resulted in the systemic deficiencies outlined hereinabove, but it also recklessly posed substantial risks of serious harm to the health and safety of all inmates confined to CCC, including plaintiff, because it operated to deprive them of their Eighth Amendment right to be free from cruel and unusual punishment and the unnecessary and wanton infliction of pain. Said failure was the moving force behind the violation of plaintiff's constitutional rights.

62. But for the failure of the first five named defendants to reasonably and adequately supervise, direct, and control medical and correctional personnel assigned to the FRDC, plaintiff's constitutional rights would not have been violated and she would not have been injured.

63. The actions and omissions of the first five named-defendants described herein and the various policies, procedures, customs, practices, and actions likewise described herein directly caused, or directly contributed to cause, the aforementioned injuries and damages to plaintiff.

64. Plaintiff is entitled to recover her reasonable attorney's fees, costs, and expenses from defendants as provided by 42 U.S.C. § 1988.

WHEREFORE, plaintiff prays that the Court enter a joint and several judgment on Count V in her favor against defendants for fair and reasonable compensatory damages and for her costs incurred herein, for her reasonable attorney's fees and expenses, and also for such other relief as the Court deems just and proper.

HUBBARD & KURTZ, L.L.P.

BY /s/ John Kurtz _____
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